

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Martin Rodriguez,  
Plaintiff,

NO. C 05-03351 JW

v.

City of San Jose, et al.,

**CORRECTED  
ORDER VACATING HEARING;  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

Defendants.

On December 1, 2005, this case was reassigned to this Court following Defendant City of San Jose's declination to proceed before a Magistrate Judge Lloyd. Pursuant to the Order reassigning the case to this Court (Docket Item No. 15), all motions pending before Judge Lloyd were vacated. Accordingly, the hearing on Defendants' motion to dismiss currently scheduled for January 30, 2006 is vacated. Should Defendants wish this Court to hear a motion to dismiss in this case, Defendants shall notice the motion in this Court pursuant to the Local Rules. Plaintiff is reminded that a failure to file an opposition to a motion to dismiss may result in a dismissal of his action.

The case management conference currently scheduled for January 30, 2006 is continued to March 13, 2006 at 10:00 a.m.

Dated: January 25, 2006

05eciv3351ctdmtld

/s/ James Ware  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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6  
7 **Dated: January 25, 2006**

**Richard W. Wieking, Clerk**

8  
9 **By: /s/ JW Chambers**  
10 **Melissa Peralta**  
11 **Courtroom Deputy**